

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

U.S. DISTRICT COURT
EASTERN DISTRICT-WI

CHAD M. MARTINEZ and
McKenzie WEINKAUF

FILED
FEB -4 P1:41

Plaintiffs,

vs.

CASE NO. **08-C-0124**

MARGERET HAND, AMY KELLER,
TOM MILLER, LAWRENCE MAHONEY, and
Quala CHAMPAGNE, In their official and
personal/individual capacities,

Defendants.

COMPLAINT UNDER THE CIVIL RIGHTS ACT 42 U.S.C. § 1983

1. Place of present confinement: Milwaukee County Jail,
949 W. 9th Street, Milwaukee, Wisconsin 53233.

A. Is there a grievance procedure in your jail? Yes.

B. Have you filed a grievance concerning the facts
relating to this complaint? Yes.

2. Parties: Chad Martinez #(DOC) 258661 / C.J.F. #721995518

- Social Security Number (Last four Digits Only) 0176

- Address: 949 W. 9th Street, Milwaukee, Wisconsin
53233

*As to plaintiff McKenzie Weinkauf: (Not Incarcerated)

- Address: 2961^A S. Kinnickinnic, Milwaukee, Wisconsin
53207

3. Parties (Defendants): Margeret Hand, Parole Agent;

Defendants Continued:

- Address: 4160 N. Port Washington
Glen Dale Wi 53212
- Amy Keller, Parole Agent
- Address: 4160 N. Port Washington
Glen Dale W. 53212
- Tom Miller, Supervisor
- Address: 4160 N. Port Washington
Glen Dale Wi 53212
- Lawrence Mahoney, Regional Chief
- Address: 819 N. 6th
Milwaukee Wi. 53203
- Quata Champagne, Administrator, Division of Community Corrections
- Address: P.O. Box 7857, Madison, WI 53707-7857

STATEMENT OF CLAIM

COMES NOW the plaintiffs, Chad Martinez and McKenzie Weinkauff, pro-se, and for cause of action against the defendants, would respectfully show the Court as follows:

1. In October of 2006, defendant Amy ^{Hand}~~Keller~~ interfered with, hindered and denied me a relationship in violation of my First Amendment Rights to life, liberty, the pursuit of ^{happiness} and freedom of association with a consenting adult.

2. In September 2006, defendant Margeret Hand prohibited me from visiting my children thereby denying my rights to free

dom of association. In addition, the plaintiff was not afforded any type of hearing in the case of rescinding my visitation rights to my children. These acts are in violation of my First, Fifth and Fourteenth Amendment rights to the United States Constitution.

3. ~~Amu Keller~~^{c.m./M.W.} Defendant Amu Keller conspired with defendant Margaret Hand to violate my rights in statement #2 above by agreeing with and upholding the actions and omissions as listed with regards to the above mentioned rights.

4. Defendant Amu Keller refused to file or respond to my complaint pursuant to (DOC) 328.11 and dated 5-15-07 thereby violating my rights to the access of the grievance procedure and my rights of access and equal protection of the laws, privileges and immunities to all other similarly situated inmates and parolees under supervision or incarcerated by the Wisconsin Dept. of Corrections/Division of Community Supervision.

5. Defendants Amu Keller, Tom Miller, Lawrence Mahoney and Quala Champaane conspired to violate my rights as stated herein ~~in count numbers (2) and (3)~~ in count numbers (2) and (3) by their acts and/or omissions in agreeing with and refusing to respond to the plaintiff's complaints regarding the unlawful deprivation of visiting rights to my children thereby violating and conspiring to do so, my rights to freedom of association with my children and life, liberty and the pursuit of happiness with a consenting adult, that adult being co-plaintiff McKenzie Weinkauff.

STATEMENT OF CLAIM

pro-se, and would respectfully show this Court the following:

1. That defendants Maraeret Hand, Amy Keller, Tom Miller, Lawrence Mahoney and Quala Chamsaane violated my First Amendment Rights to life, liberty and the pursuit of happiness as well as my right to freedom of association with a consenting adult, that adult being Chad Martinez, by falsely labelling me a victim of his and prohibiting contact between the two of us ~~and~~ on these grounds. I assert that Chad Martinez has never committed any criminal or abusive act against me nor have there been allegations of such. The above named defendants also conspired to commit the aforementioned acts. All acts and/or omissions as herein alleged violate my rights to equal protection of the laws, privileges and immunities as provided by the Fourteenth, Fifth and First Amendments to the U.S. Constitution.

2. All acts as herein alleged violates our rights to be free from cruel ~~unusual and excessive punishment~~ and unusual punishment as provided by the Eighth Amendment.

State briefly your legal theory or cite appropriate authority:

The herein named defendants' explanation for denying the two of us a romantic relationship was "I don't feel she is right for you". This act and determination far exceeds the scope of protecting the public and their lawful authority and/or discretion. No hearings were afforded us before deprivation of Chad's visitation rights to his children and Chad and McKenzie's denial of a

relationship.

RELIEF REQUESTED

1. Injunctive relief prohibiting the interference, hindrance and denial of my visitation rights to visit my children;
2. Injunctive relief prohibiting the interference, hindrance and denial of a relationship between us;
3. Recovery of lost wages as to Chad Martinez;
4. Expungement ~~and~~ of all entries into my parole file referring to McKenzie Weinkauf as a victim as to Chad Martinez;
5. Compensatory damages in the amount of \$1,000,000 severally as to Chad Martinez;
6. Compensatory damages in the amount of \$1,000,000 severally as to McKenzie Weinkauf;
7. Punitive damages in the amount of \$2,000,000 severally as to both plaintiffs.

The plaintiff's assert that the aforementioned injuries did occur and were committed knowingly, willfully and intentionally by the defendants.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted this 28th day of January, 2008.

Chad Martinez
Chad M. Martinez
Mckenzie Weinkauf
McKenzie Weinkauf



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

J.B. VAN HOLLEN
ATTORNEY GENERAL

Raymond P. Taffora
Deputy Attorney General

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P.O. Box 7857
Madison, WI 53707-7857

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Paralegal
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608/267-2780
FAX 608/267-8906

Instruction To Offender: You must send original Certification to the Court.

**CERTIFICATION
AS TO THREE OR MORE DISMISSALS
UNDER WIS. STAT. § 801.02(7)(d)**

OFFENDER NAME: CHAD MARTINEZ

OFFENDER NUMBER: 258661

THE UNDERSIGNED CERTIFIES THAT:

 X The Wisconsin Department of Justice has no records showing that this offender has three or more dismissals within the meaning of Wis. Stat. § 801.02(7)(d).

 The Wisconsin Department of Justice has records it believes show that this offender has three or more dismissals within the meaning of Wis. Stat. § 801.02(7)(d). These records are public records within the meaning of Wis. Stat. §§ 908.03(8), 909.015(7), and 909.02(4), in that they are on file in the offices of the Wisconsin Department of Justice, reflect the activities of that Department, and set forth matters observed by that Department pursuant to duty imposed on it by law. True copies of these records are attached hereto and their case name, number, and venue are as follows:

Attached hereto is a true copy of the offender's request for this certification, bearing the Department of Justice date stamp, and the envelope in which it was enclosed.

Witness under my hand and the official seal of the Wisconsin Department of Justice, Office of the Attorney General, this 15th day of January, 2008.


Betty Kruse

Dear Sir MAM

1-9-08

I am incarcerated in the WI prison system and am planning to file a civil complaint within the next 30 days. Please mail me a form DJL522 certifying that I have not filed any 3 or more civil actions pursuant to WI Stats. 801.02 (1) (d). I have a time limit to file so this is a very important form to me so the sooner the better
Thank you

Chad Martinez # 258661
D.O.B. [REDACTED] 76
Milwaukee County Jail
949 N. 9th
Milwaukee WI 53233

Thank you

Chad Martinez

RECEIVED

JAN 11 2008

DEPARTMENT OF JUSTICE